

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIGUEL GUTIERREZ-PIZANO,

8:08CV494

Petitioner,

v.

**MEMORANDUM
AND ORDER**

FRED BRITTEN,

Respondent.

This matter is before the court on Respondent's Motion for Reconsideration. (Filing No. [10](#).) In his Motion, Respondent objects to the court's November 25, 2008 Memorandum and Order setting forth Petitioner's claims and a schedule for progression of this matter because Petitioner has not yet filed a signed Petition. (*Id.*) The court has carefully reviewed the Motion and agrees with Respondent that this matter should not proceed until the Petition is signed. The court will permit Petitioner 30 days in which to submit a signed Petition.

IT IS THEREFORE ORDERED that:

1. Respondent's Motion for Reconsideration (filing no. [10](#)) is granted.
2. No later than **January 30, 2009**, Petitioner shall submit a signed Petition. In the absence of a signed Petition, this matter will be dismissed without prejudice and without further notice.
3. All other dates contained in the court's previous Memorandum and Order are stayed pending the filing of a signed Petition.
4. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **January 30, 2009**: Deadline for

Petitioner to submit a signed Petition.

December 30, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge